

Review of possible definitions for “Timberland”

PRC §4526 states:

*"Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is **available for, and capable of, growing a crop of trees of any commercial species** used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others.*

As seen above, several terms define timberland: available, capable, and crop. Commercial species is already defined by the Board, as is “crop”.

1. Capable: Generally, this can be defined as capacity to produce trees.

Possible descriptions: Capable could mean land that has the potential for 15 cu ft per acre of wood production per year (this comports with GC for TPZ lands). It could also mean land that can be re-stocked (per FPRs) within 5 years. It could be further defined as pertaining only to commercial species as defined by the Board.

The above meets the criteria of defining the capacity of the land to produce (and re-produce) timber of commercial species. One possible drawback (or not) is in areas of high intensity wildfire, which may result in soils incapable of being rehabilitated within 5 years.

2. Available: This can be defined as whether harvesting is an allowable use.

Possible descriptions: One possible way would be whether County Zoning has determined that harvesting is an allowable use. This would mean that TPZ would be “available for”. For non-TPZ, it could mean that the county has determined that the zone in question (examples: AG or Forestland) has timber management as a compatible or allowed use.

Under this scenario, lands that are put under an easement that prohibits harvesting would be “converted” from timberland. Lands that have zoning restrictions placed upon harvest would likewise be converted.

One possibility is to tie the definition to the “devoted to” aspect of TPZ zoning, and to further define “devoted to”

3. Crop of Trees:

The FPRs, under 895.1 definitions, states:

"Crop of trees," within the meaning of PRC 4526, means any number of trees which can be harvested commercially.

Possible descriptions: The term "any" is somewhat all encompassing. "Harvested commercially" might imply economic return. One problem with trying to define via economics is that when there is market downturn, what was previously "economic" may cease to be viable.

It could remain exactly as is, in which is wood production, in any amount, capable of utilization. It could also be further defined as relating to commercial uses.

Timberland Productivity Act

GC § 51104 states:

(e) "Timber" means trees of any species maintained for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, including Christmas trees, but does not mean nursery stock.

(f) "Timberland" means privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

(g) "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).

Other Issues

Forest Practice Rules

PRC §754 states:

"Forested landscapes" means those tree dominated landscape and their associated vegetation types on which there is growing a significant stand of tree species, or which are naturally capable of growing a significant stand of native trees in perpetuity, and is not otherwise devoted to nonforestry commercial, urban, or farming uses.

PRC §4621 states, in part:

Any person who owns timberlands which are to be devoted to uses other than the growing of timber shall file an application for conversion with the board.

“Devoted to uses other than the growing of timber” occurs where timberland has been cleared and another, non-timber growing, use established. What about local government land use decisions that prohibit, discourage or otherwise substantially interfere with timber harvesting (see “available for” discussion above)? This might include actions such as favoring or allowing other land uses through zoning changes, making timber harvesting infeasible through reduced parcel sizes or introducing uses on adjoining lands that are in conflict with growing timber. Do such actions result in timberland that is no longer devoted to timber growing?

The Forest Practice Rules (FPR) definition of Timberland Conversion in non-TPZ timberland (CCR 1100(g)), includes reference to changes in land use that would conceivably interfere with growing timber (thought it ties the Department’s permitting authority to only those actions that require timber operations, i.e., a THP):

Future timber harvests will be prevented or infeasible because of land occupancy and activities thereon

There is a clear intent to divide timberland into ownerships of less than three acres.

The FPA and the FPRs, appear to give consideration to both direct and indirect actions which may result in timberland no longer being devoted to timber production. However, it is not altogether clear or well defined. It is further complicated by the requirement that all conversions, both those occurring through timber operations and those resulting from land use decisions, require the same permit.

In addition, all references to “timberland” and “growing timber” have a commercial intent. “Timber growing” is not synonymous with “tree growing” nor is “timberland” synonymous with “forested land”. It is expected that “timberland” is devoted to growing “timber” for “cutting and removal” for “commercial purposes”. While a parcel may contain commercial species that are subject to the FPRs it may not be “devoted” to growing timber if the zoning or other land use restrictions preclude, discourage or interfere with harvesting in favor of another use or uses.

“Devoted to uses other than the growing of timber” might be defined by the Board

to include:

- Any rezoning of TPZ, in accordance with GC §51133 (immediate rezone) and GC §51120 (ten year roll out).
- Changes in zoning from classes such as Forest Land, General Forest, and Agriculture, where the Purpose and Uses clearly allow for forestry, forest management, tree farming, timber harvesting and other compatible uses, to zoning classes where the intent is to clearly encourage other uses such as rural residential, commercial, non-forest agricultural, etc.
- Dividing timberland into parcels of less than 160 acres, unless timber management is supported by a Joint Timber Management Plan prepared by an RPF.
- Administrative withdrawals of timberland for parks, reserves, open space, or conservation easements or recorded deed restrictions where the lands will no longer be devoted to growing timber.
- Any zoning change that would not allow harvesting to occur on timberlands.

For the Coast Forest District:

"Commercial Species" means those species found in group A and those in group B that are found on lands where the species in Group A are now growing naturally or have grown naturally in the recorded past.

Group A -coast redwood(*Sequoia sempervirens*)

- Douglas fir (*Pseudotsuga menziesii*)
- grand fir (*Abies grandis*)
- western hemlock (*Tsuga heterophylla*)
- western redcedar (*Thuja plicata*)
- bishop pine (*Pinus muricata*)
- Monterey pine (*Pinus radiata*)
- Sitka spruce (*Picea sitchensis*)
- incense cedar (*Libocedrus decurrens*)
- Port Orford cedar (*Chamaecyparis lawsoniana*)
- California red fir (*Abies magnifica*)
- white fir (*Abies concolor*)
- Jeffrey pine (*Pinus jeffreyi*)
- ponderosa pine (*Pinus ponderosa*)
- sugar pine (*Pinus lambertiana*)
- western white pine (*Pinus monticola*)

Group B -tanoak (*Lithocarpus densiflorus*)

- red alder (*Alnus rubra*)
- white alder (*Alnus rhombifolia*)
- eucalyptus (*Eucalyptus* species)
- Pacific madrone (*Arbutus menziesii*)
- golden chinkapin (*Castanopsis chrysophylla*)
- pepperwood (*Umbellularia californica*)
- Oregon white oak (*Quercus Garryana*)
- California black oak (*Quercus kelloggii*)

For the Northern Forest District:

"Commercial species" means those species found in group A and those in group B that are found on lands where the species in group A are now growing naturally or have grown naturally in the recorded past.

Group A - sugar pine(*Pinus lambertiana*)

- ponderosa pine(*Pinus ponderosa*)
- Jeffrey pine(*Pinus jeffreyi*)
- western white pine(*Pinus monticola*)
- lodgepole pine(*Pinus contorta*)
- coast redwood(*Sequoia sempervirens*)
- white fir(*Abies concolor*)
- California red fir(*Abies magnifica*)
- noble fir(*Abies procera*)
- Douglas-fir(*Pseudotsuga menziesii*)
- incense-cedar(*Libocedrus decurrens*)
- Port Orford cedar(*Chamaecyparis lawsoniana*)

Group B - Knobcone pine(*Pinus attenuata*)

- Digger pine(*Pinus sabiniana*)
- California black oak(*Quercus kelloggii*)
- Oregon white oak(*Quercus garryana*)

- tanoak(Lithocarpus densiflorus)
- mountain hemlock(Tsuga mertensiana)
- Brewer spruce(Picea breweriana)
- Englemann spruce(Picea englemanii)
- Sierra redwood(Sequoiadendron giganteum)
- golden chinkapin(Castanopsis chrysophylla)
- foxtail pine(Pinus balfouriana)
- white alder(Alnus rhombifolia)
- Monterey pine(Pinus radiata)
- Pacific madrone(Arbutus menziesii)
- California laurel(Umbellularia Californica)
- Western juniper(Juniperus occidentalis)

For the Southern Forest District:

"Commercial species" means those species found in group A and those in group B that are found on lands where the species in group A are now growing naturally or have grown naturally in the recorded past.

Group A -Coulter pine (Pinus coulteri)

- Jeffrey pine (Pinus jeffreyi)
- ponderosa pine (Pinus ponderosa)
- sugar pine (Pinus lambertiana)
- lodgepole pine (Pinus contorta)
- Monterey pine (Pinus radiata)
- western white pine (Pinus monticola)
- Douglas-fir (Pseudotsuga menziesii)
- California red fir (Abies magnifica)
- white fir (Abies concolor)
- incense cedar (Libocedrus decurrens)
- coast redwood (Sequoia sempervirens)
- Sierra redwood (Sequoiadendron giganteum)
- mountain hemlock (Tsuga mertensiana)

Group B -white alder (Alnus rhombifolia)

- cottonwood (Populus fremontii)
- eucalyptus (Eucalyptus sp.)
- Pacific madrone (Arbutus menziesii)
- California black oak (Quercus kelloggii)
- tanoak (Lithocarpus densiflorus)

4522.5. "Cutover land" means land which has borne a crop of commercial timber from which at least 70 percent of the merchantable original growth timber stand has been removed by logging or destroyed by fire, insects, or tree diseases and which is now supporting, or capable of growing, a crop of commercial timber or other forest products, and which has not been converted to other commercial or agricultural use.